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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,373	04/29/2005	Shafagat Fakhrazovich Takhautdinov	U 015753-0	4602
140 7590 03/01/2007 LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER FULLER, ROBERT EDWARD	
			ART UNIT	PAPER NUMBER
			3672	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/533,373	Applicant(s) TAKHAUTDINOV ET AL.	
	Examiner Robert E. Fuller	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3 and 5 is/are rejected.
- 7) ☐ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. With regard to applicant's amendment, received January 16, 2007, changes to the drawings and to the abstract are acknowledged, and the objections made in the office action of October 12, 2006 have been withdrawn. With regard to the specification, the rejection under 35 U.S.C. 112 has been withdrawn, however, the specification is objected to for reasons enumerated below.

With respect to the prior art, examiner has reinterpreted the Blanchard reference and rejected some of the amended claims based upon this reinterpretation. Therefore, this action has not been made final.

Specification

2. The disclosure is objected to because examiner believes that the changes made in the amendment of January 16, 2007 are not sufficient to make the specification completely readable. While the changes helped to make the specification more understandable, they do not go far enough. The specification still contains many grammatical errors. For example, in the paragraph beginning page 3, line 21, the first sentence is unclear. Examiner suggests that a comma be added after "depth," "supply" be changed to --supplies--, and the hyphen be deleted. This sentence is only one example of the numerous grammatical errors which still exist in the specification and cause the application to be difficult to read and understand.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard (US 1,548,578).

With regard to claim 2, Blanchard discloses a housing (2) having a central channel (3), a plurality of inclined slots (9), and a plurality of inclined bores (7a). Blanchard further discloses a rod (25) in the central channel, a spring (35) biasing the rod toward the lower end of the housing, a plurality of legs (31, 32) supported for movement along the inclined slots; the legs including cutters (the cutters are the longitudinal teeth on the legs) supported on the legs, and a plurality of pistons (8) in the inclined bores. The pistons move the legs between an operating position (see figure 2) and a transport position (see figure 1). Each of the pistons has an end which is operatively connected to the rod (via slots 8d) in the central channel.

With regard to claim 3, the cutters are teeth supported on the legs (31, 32).

With regard to claim 5, sliders (22 and 23) connect the free ends of the pistons to the rod.

Allowable Subject Matter

5. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 2-6 have been considered but are moot in view of the new interpretation of the Blanchard reference.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert E. Fuller whose telephone number is 571-272-0419. The examiner can normally be reached on Monday thru Friday from 8:00 AM - 5:30 PM. The examiner is normally out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/27/2007
REF


Jennifer H. Gay
Primary Examiner